

HOUSE JOURNAL

SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTIETH DAY — TUESDAY, MARCH 21, 1995

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 70).

Present — Mr. Speaker; Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbraneck.

Absent, Excused — Clemons; Seidlits.

The invocation was offered by Reverend Darwood Galaway, pastor, Lake Houston United Methodist Church, Huffman, as follows:

Our Heavenly Father, fill us with a vision of eternal hope. I see a young mother in her late twenties, her ten year old son loves to play baseball for the team his father coaches. Christine finds it difficult to keep up with them because her muscular sclerosis is no longer in remission. When she walks, one foot drags through the dust. Pain and the agony of its treatment are a part of everyday life.

Praise you, Father, for the human spirit is not defeated by the trials of life. Christine has defeated fear for Christ's sake. She spends her days delivering teddy bears to the sick laying in area hospitals. Her nights she gives to family, school, and church. When her home was destroyed by the flood waters of the rising San Jacinto, she returned the check the government sent her with a note asking the reader to give the money to someone more needy than herself.

Blessed are you, Lord, for you are mighty in your deeds. Place your hand of righteousness upon the house of representatives. Burn the picture of our lives upon their memories. We rise every day and labor beyond darkness. We love our children and lay down our lives for them. We labor to build schools to strengthen their minds. Hospitals to mend their wounds. Churches to strengthen

their souls. We work but do not grow weary, for we work for love's sake, and love is made perfect in the midst of great challenge.

Lord, place the picture of our life in the hearts of all who have ears to hear. Let our representatives know we love and pray for them. We want them to represent the very best of who we are. Strengthen them for tasks which lay ahead this day. Let them know they shall not be judged by the depth of their wisdom, but by the integrity of their heart. Let them know they are never alone, but that you are with them, and by your grace so are we. In Jesus Christ's name. Amen.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business:

Seidlits on motion of Uher.

MESSAGE FROM THE SENATE

Austin, Texas, March 21, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

HCR 136 by Patterson, L.P. "Pete" (Sponsor-Ratliff), recognizing March 22, 1995, as Paris-Lamar County Day at the Capitol.

SB 65 by Moncrief, relating to minimum standards for smoking in certain public places or at certain public meetings; creating an offense and providing penalties.

SB 146 by West, Royce, relating to membership on community justice councils by state senators and representatives.

SB 261 by Leedom, relating to certain charges in connection with a fine for violation of a motor vehicle law.

SB 560 by Patterson, Jerry, relating to disposal of abandoned vehicles.

SB 694 by Montford, relating to the exemption from tuition of a resident student enrolled in the Southwest Collegiate Institute for the Deaf.

SB 814 by Brown, relating to the requirement of commercial licenses to catch, unload, and sell aquatic products.

SB 885 by Brown, relating to workers' compensation benefits for professional athletes employed by the International Hockey League.

Respectfully,
Betty King
Secretary of the Senate

CAPITOL PHYSICIAN

Speaker Laney presented Dr. Don Cauthen of Temple as the "Doctor for the Day."

The house welcomed Dr. Cauthen and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

HR 441 - ADOPTED

Representative Finnell moved to suspend all necessary rules to take up and consider at this time **HR 441**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Finnell,

HR 441, Recognizing March 20 and 21, 1995, as Graham-Young County Community Day at the Capitol.

The resolution was read and was adopted without objection.

On motion of Representative B. Hunter, the names of all the members of the house were added to **HR 441** as signers thereof.

HR 258

HR 258, congratulating Robert T. Wells, Jr., and Nita Lynn Proffitt Wells on their 50th wedding anniversary, having been previously adopted, was read.

HR 262 - ADOPTED

Representative Brimer moved to suspend all necessary rules to take up and consider at this time **HR 262**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Brimer, Willis, Carter, Goodman, Grusendorf, et al.,

HR 262, In memory of Charlie L. Hillard.

The resolution was read and was unanimously adopted by a rising vote.

On motion of Representative Carter, the names of all the members of the house were added to **HR 262** as signers thereof.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Moreno on motion of Pickett.

HR 424 - ADOPTED

Representative Oakley moved to suspend all necessary rules to take up and consider at this time **HR 424**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Oakley,

HR 424, Designating March 21, 1995, as Hunt County Day.

(Goolsby in the chair)

The resolution was read and was adopted without objection.

HR 49

HR 49, declaring March 21, 1995, to be Richardson Day, having been previously adopted, was read.

INTRODUCTION OF GUESTS

The chair recognized Representative Price, who introduced the family and friends of Clifton J. Ozen, Sr.

HR 347, in memory of Clifton J. Ozen, Sr., having been previously adopted, was read.

HR 289

HR 289, welcoming the Texas Association of Public Employee Retirement Systems to the State Capitol, having been previously adopted, was read.

SCR 94 - ADOPTED **(Saunders - House Sponsor)**

Representative Saunders moved to suspend all necessary rules to take up and consider at this time **SCR 94**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

SCR 94, Paying tribute to the life of Ludora "Ludie" Langston Kuempel.

The resolution was read and was unanimously adopted by a rising vote.

INTRODUCTION OF GUESTS

The chair recognized Representative Saunders, who introduced the family of Ludora "Ludie" Langston Kuempel, mother of Representative Kuempel.

HR 422 - ADOPTED

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 422**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Naishtat,

HR 422, Commending the Texas Retired Employees Association.

(Speaker in the chair)

The resolution was read and was adopted without objection.

On motion of Representative Maxey, the names of all the members of the house were added to **HR 422** as signers thereof.

HR 442 - ADOPTED

Representative Carona moved to suspend all necessary rules to take up and consider at this time **HR 442**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Carona,

HR 442, Congratulating Catherine Margaret Waltz Schuster on her 90th birthday.

The resolution was adopted without objection.

HR 443 - ADOPTED

Representative Thompson moved to suspend all necessary rules to take up and consider at this time **HR 443**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Thompson,

HR 443, Honoring Lillian Marie Cook Mitchell.

The resolution was adopted without objection.

On motion of Representative Edwards, the names of all the members of the house were added to **HR 443** as signers thereof.

SIGNED BY THE SPEAKER

The speaker signed in the presence of the house, after giving due notice thereof, the following enrolled resolution:

HCR 26

PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR

Representative Edwards moved to set a congratulatory and memorial calendar for 10 a.m. Thursday, March 23.

The motion prevailed without objection.

RESOLUTIONS REFERRED TO COMMITTEE

The following resolutions were laid before the house and referred to committee:

By Solis,

HR 430, Commending the La Feria Parental Awareness League.

To Committee on Rules and Resolutions.

By De La Garza,

HR 432, Designating March 28, 1995, as Edinburg Day.

To Committee on Rules and Resolutions.

By Dear,

HR 433, Designating March 27, 1995, as Osteopathic Medicine Day at the Capitol.

To Committee on Rules and Resolutions.

By Dear,

HR 434, Congratulating Bob and Katherine Wilson on their 50th wedding anniversary.

To Committee on Rules and Resolutions.

By Eiland,

HR 435, Honoring the Friendswood High School academic decathlon team.

To Committee on Rules and Resolutions.

By Davis,

HR 436, In memory of Claude McCain, Jr.

To Committee on Rules and Resolutions.

By Davis,

HR 437, Congratulating the Reverend Manuel L. Scott, Sr. on his years of service to St. John Missionary Baptist Church.

To Committee on Rules and Resolutions.

By Davis,

HR 438, Commending Lois Evans for her contributions to her community.

To Committee on Rules and Resolutions.

By Johnson,

HR 439, Commending the Texas Association of Future Homemakers of America.

To Committee on Rules and Resolutions.

By G. Lewis,

HR 440, In memory of Richard D. Hill, Jr.

To Committee on Rules and Resolutions.

HB 1 - COMMITTEE ON CALENDARS RULE ADOPTED

Pursuant to House Rule 3, Section 4(2), and House Rule 6, Section 16(f), Representative Stiles moved to adopt the following Committee on Calendars rule governing floor consideration of **HB 1** (the general appropriations bill):

An amendment that adds or increases an item of appropriation in Articles I-X is not in order unless the amendment contains an equal or greater reduction in one or more other items of appropriation in one of those articles from the fund or funds against which the appropriation is to be certified.

An amendment that adds or increases an item in Article XI is not in order unless the amendment contains an equal or greater reduction in one or more other items in that article from the fund or funds against which an appropriation for the increased or added item would be certified.

This rule does not apply to an amendment that makes an adjustment in an item of appropriation solely to correct a technical clerical error.

The motion prevailed without objection.

HB 3171 - PERMISSION TO INTRODUCE

Representative Luna moved to suspend the constitutional rule for permission to introduce and have placed on first reading **HB 3171**.

A record vote was requested.

The motion prevailed by (Record 71): 135 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Coleman; Combs; Conley; Cook; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Duncan; Dutton; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McDonald; Moffat; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Serna; Shields; Siebert; Smithe; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Wilson; Wolens; Woolley; Yarbrough; Yost; Zbraneck.

Present, not voting — Mr. Speaker(C); Krusee.

Absent, Excused — Clemons; Moreno; Seidlits.

Absent — Alexander; Corte; Dukes; Edwards; Hightower; Hudson; McCoulskey; Price; Willis; Wohlgemuth.

STATEMENT OF VOTE

When Record No. 71 was taken, I was in the house but away from my desk. I would have voted yes.

Corte

HB 3172 - PERMISSION TO INTRODUCE

Representative Stiles moved to suspend the constitutional rule for permission to introduce and have placed on first reading **HB 3172**.

A record vote was requested.

The motion prevailed by (Record 72): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Coleman; Combs; Conley; Cook;

Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Clemons; Moreno; Seidlits.

Absent — Alexander; Dukes; Gray; Hudson; Hunter, T.; Place; Saunders.

STATEMENT OF VOTE

When Record No. 72 was taken, I was in tort reform negotiation. I would have voted yes.

T. Hunter

HJR 128 - PERMISSION TO INTRODUCE

Representative Stiles moved to suspend the constitutional rule for permission to introduce and have placed on first reading **HJR 128**.

A record vote was requested.

The motion prevailed by (Record 73): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres;

Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgenuth; Wolens; Woolley; Yarbrough; Yost; Zbraneck.

Present, not voting — Mr. Speaker(C); Hartnett.

Absent, Excused — Clemons; Moreno; Seidlits.

Absent — Allen; Dukes; Hudson; Price.

HJR 50 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HJR 50, A joint resolution proposing a constitutional amendment providing for the issuance of general obligation bonds by the Texas Higher Education Coordinating Board.

The resolution was read second time.

Amendment No. 1

Representative Chisum offered the following amendment to the resolution:

Amend **HJR 50** as follows:

1) SECTION 1, page 1, line 11, after the word "exceed" delete the "\$400" and insert "\$200".

Representative Hernandez moved to table Amendment No. 1.

The motion to table was lost.

Amendment No. 1 was adopted without objection.

A record vote was requested.

HJR 50, as amended, was adopted by (Record 74): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirsch; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCoulskey; McDonald; Moffat; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Rusling; Sadler; Saunders; Serna; Shields; Siebert; Smithe; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgenuth; Wolens; Woolley; Yarbrough; Yost; Zbraneck.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Clemons; Moreno; Seidlits.

Absent — Alvarado; Edwards; Ehrhardt; Hudson; McCall; Price; Romo.

STATEMENTS OF VOTE

When Record No. 74 was taken, I was in the house but away from my desk. I would have voted yes.

Ehrhardt

When Record No. 74 was taken, I was in the house but away from my desk. I would have voted yes.

Romo

HB 680 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 680, A bill to be entitled An Act relating to a change of annuity selection by a retiree of the Employees Retirement System of Texas.

The bill was read third time.

Representative Rodriguez moved to postpone consideration of **HB 680** until the end of the calendar.

The motion prevailed without objection.

HB 1157 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 1157, A bill to be entitled An Act relating to the administration of the Texas Guaranteed Student Loan Corporation.

The bill was read third time and was passed. (Corte, Finnell, and Ogden recorded voting no)

HB 785 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 785, A bill to be entitled An Act relating to the regulation of manufactured housing.

A record vote was requested.

The bill was read third time and was passed by (Record 75): 138 Yeas, 1 Nay, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Averitt; Bailey; Berlanga; Black; Bosse; Brimer; Carona; Carter; Chisum; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddock; Cuellar, H.; Cuellar, R.; Culberson; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak;

Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pickett; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Van de Putte; Walker; West; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Nay — Uher.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Clemons; Moreno; Seidlits.

Absent — Alvarado; Brady; Danburg; Jackson; Ogden; Pitts; Williamson.

STATEMENT OF VOTE

When Record No. 75 was taken, I was in the house but away from my desk. I would have voted yes.

Pitts

HB 655 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 655, A bill to be entitled An Act relating to the recodification of statutes relating to parents and children and suits affecting the parent-child relationship.

A record vote was requested.

The bill was read third time and was passed by (Record 76): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Averitt; Bailey; Berlanga; Black; Bosse; Brimer; Carona; Carter; Chisum; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Clemons; Moreno; Seidlits.

Absent — Alvarado; Brady; Danburg; Hudson; Price.

HB 1318 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 1318, A bill to be entitled An Act relating to an exemption from the sand and gravel permitting process for disturbances of marl, sand, gravel, shell, and mudshell entities under a water rights use permit for noncommercial purposes.

The bill was read third time and was passed.

HB 305 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 305, A bill to be entitled An Act relating to the authority of local governments to enter into contracts with other governmental entities for purchases of goods and services.

A record vote was requested.

The bill was read third time and was passed by (Record 77): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Culberson; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Clemons; Moreno; Seidlits.

Absent — Alvarado; Cuellar, R.; Danburg.

HB 564 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 564, A bill to be entitled An Act relating to requiring certain home-rule municipalities to obtain annexation approval from voters in the area to be annexed.

The bill was read third time and was passed. (Dukes and Maxey recorded voting no)

HB 235 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 235, A bill to be entitled An Act relating to the provision of emergency medical information services.

The bill was read third time and was passed.

HB 1483 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 1483, A bill to be entitled An Act relating to the regulation of certain practices by funeral directors, embalmers, and mortuary schools.

The bill was read third time and was passed.

HB 686 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 686, A bill to be entitled An Act relating to the student loan program administered by the Texas Higher Education Coordinating Board; authorizing the issuance of bonds.

The bill was read second time.

Amendment No. 1

Representative Chisum offered the following amendment to the bill:

Amend **HB 686** as follows:

1) SECTION 4, page 2, line 10, after the "(2)" delete "\$400" and insert "\$200".

Amendment No. 1 was adopted without objection.

HB 686, as amended, was passed to engrossment.

HB 222 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 222, A bill to be entitled An Act relating to the licensing of agents for health maintenance organizations.

The bill was read second time.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Driver, Representative Brimer offered the following committee amendment to the bill:

Amend Section 1(f)(2), page 12 by inserting a new subsection (E) to read as follows:

(E) principles related to small employer insurance as set forth in Chapter 26, Texas Insurance Code.

Amendment No. 1 was adopted without objection.

HB 222, as amended, was passed to engrossment.

HB 949 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 949**.

CSHB 949, A bill to be entitled An Act relating to the availability to certain incarcerated individuals of public records or personal information pertaining to certain other individuals.

CSHB 949 was read second time and was passed to engrossment.

HB 1292 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 1292, A bill to be entitled An Act relating to the definition of a small business.

The bill was read second time.

Amendment No. 1 (Committee Amendment No. 1)

Representative Giddings offered the following committee amendment to the bill:

Amend **HB 1292**, Section 7, Article 26.02(21), Insurance Code, to read as follows:

On Page 3 of the bill, strike lines 16 through 22 labeled Subsection (21) and substitute the following:

(21) "Small employer" means a person or an entity that is actively engaged in business and that, on at least 50 percent of its working days during the preceding calendar year, employed at least three but not more than 50 eligible employees, including the employees of an affiliated employer, the majority of whom were employed in this state.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Brady offered the following amendment to the bill:

Amend **HB 1292** by inserting the following new section, appropriately numbered, and renumbering the subsequent sections accordingly:

SECTION _____. Section 481.155, Government Code, is amended by amending Subsection (g) and adding Subsection (h) to read as follows:

(g) During each state fiscal year the executive director shall attempt to ensure that at least 50 percent of the total dollar amount of grants awarded under this section is awarded to small businesses[~~—as defined by Section 481.101~~].

(h) In this section, "small business" means a corporation, partnership, sole proprietorship, or other legal entity that:

(1) is formed for the purpose of making a profit;

(2) is independently owned and operated; and
(3) has fewer than 100 employees or less than \$3 million in annual gross receipts.

Representative Giddings moved to table Amendment No. 2.

The motion to table prevailed.

HB 1292, as amended, was passed to engrossment. (Kamel recorded voting no)

HB 1284 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 1284, A bill to be entitled An Act relating to the designation of the mental health and mental retardation authority for Cameron County.

The bill was read second time.

Representative Solis moved to postpone consideration of **HB 1284** until 10 a.m. Monday, March 27.

The motion prevailed without objection.

SB 550 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

SB 550, A bill to be entitled An Act relating to the authority of the Railroad Commission of Texas to receive and administer gifts, grants, and donations.

The bill was read third time.

Amendment No. 1

Representative Ogden offered the following amendment to the bill:

Amend **SB 550**, on third reading, by inserting after subsection (a) the following:

(b) The commission may not, under Subsection (a) of this section, accept a gift or donation of money, or of property having a fair market value greater than \$1,000, from a party in a contested case, as defined in Section 2001.003(1), Government Code, during the period from the inception of the contested case until 30 days after a final order is signed in the contested case.

Amendment No. 1 was adopted without objection.

A record vote was requested.

SB 550, as amended, was passed to engrossment by (Record 78): 141 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Duncan; Dutton; Edwards;

Ehrhardt; Eiland; Elkins; Farrar; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Nays — Dukes; Finnell.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Clemons; Moreno; Seidlits.

Absent — Alvarado; Danburg; Saunders.

RESOLUTIONS CALENDAR

The speaker laid before the house the following resolution on committee report:

By Yarbrough, et al.,

HR 38, Requesting the U.S. Congress to continue its efforts to locate U.S. military personnel missing in action in Southeast Asia.

The resolution was adopted without objection.

On motion of Representative Uher, the names of all the members of the house were added to **HR 38** as signers thereof.

HB 680 ON THIRD READING

The speaker laid before the house, as postponed business, on its third reading and final passage,

HB 680, A bill to be entitled An Act relating to a change of annuity selection by a retiree of the Employees Retirement System of Texas.

The bill was read third time earlier today and was postponed until this time.

A record vote was requested.

HB 680 was passed by (Record 79): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric;

Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgenuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Clemons; Moreno; Seidlits.

Absent — Alvarado; Danburg.

HR 376 - ADOPTED

Representative Coleman moved to suspend all necessary rules to take up and consider at this time **HR 376**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Coleman,

HR 376, Commending Hoover Carden on the occasion of his retirement.

The resolution was adopted without objection.

On motion of Representative Ogden, the names of all the members of the house were added to **HR 376** as signers thereof.

RULES SUSPENDED

Representative Madden moved to suspend the 5-day posting rule to allow the Committee on Elections, Subcommittee on Judicial Election Reform, to consider **HB 262**, **HB 483**, **HB 926**, and **HB 1110**.

The motion prevailed without objection. (Corte, Finnell, Kubiak, and Stiles recorded voting no)

Representative Sadler moved to suspend the 5-day posting rule to allow the Committee on Public Education, Subcommittee on Salaries and Benefits, to hold a public hearing.

The motion prevailed without objection. (Corte, Finnell, Kubiak, and Stiles recorded voting no)

Representative S. Turner moved to suspend the 5-day posting rule to allow the Committee on State Affairs to consider **HB 2128**.

The motion prevailed without objection. (Corte, Finnell, Kubiak, and Stiles recorded voting no)

Representative Thompson moved to suspend the 5-day posting rule to allow the Committee on Judicial Affairs to consider **HB 3168**.

The motion prevailed without objection. (Corte, Finnell, Kubiak, and Stiles recorded voting no)

Representative Puente moved to suspend the 5-day posting rule to allow the Committee on Juvenile Justice and Family Issues, Subcommittee on Parental Responsibility, to consider **HB 137, HB 216, HB 248, HB 745, HB 826, HB 991, and HB 1132.**

The motion prevailed without objection. (Corte, Finnell, Kubiak, and Stiles recorded voting no)

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

State Affairs, 4 p.m. today, E2.014, Capitol Extension, to consider **HB 2128.**

Judicial Affairs, 2 p.m. today, E1.026, Capitol Extension, to consider **HB 3168.**

Public Education, Subcommittee on Salaries and Benefits, 1:30 p.m. Wednesday, March 22, E2.028, Capitol Extension.

MESSAGE FROM THE SENATE

Austin, Texas, March 21, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

HCR 74 by Clemons, commending ZaZa Marie Bass for saving the life of a child.

HCR 123 by Dutton, commending Dr. Donald Ray McNeal for his service as pastor of First Shiloh Missionary Baptist Church.

HJR 34 by Willis, Raymond, Gutierrez, et al. (Sponsors - Brown, et al.), proposing a constitutional amendment to increase the amount of general obligatoin bonds authorized for veterans' housing assistance.

Respectfully,
Betty King
Secretary of the Senate

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Agriculture and Livestock, 2 p.m. today, regular committee room.

Rules and Resolutions, on adjournment today, Desk 133, to consider the calendar.

Public Health, 2 p.m. today, E2.016, Capitol Extension, to consider scheduled bills.

ADJOURNMENT

Representative Rusling moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed without objection.

The house accordingly, at 12:14 p.m., adjourned until 10 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

Economic Development - **HB 1341**

Energy Resources - **HB 1968, SB 480**

Human Services - **HB 1863**

Juvenile Justice and Family Issues - **HB 327**

Natural Resources - **HB 921, HB 1236, HB 1493**

State Recreational Resources - **HB 670**

ENROLLED

March 20 - **HCR 26**

SENT TO THE GOVERNOR

March 20 - **HCR 133**

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